

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. P.Ammaji W/o P.Ramachandra Rao R/o Asmanghat, Malakpet, Hyderabad District, against the Proceedings Rc. B8/22250/89, dated 11.11.1993 of the Collector, Khammam District – under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 19

Dated: 10.05.2012.
Read the following.

1. Proceedings of the District Joint Collector, Khammam, No. Rc. B8/22250/89, dt. 11.11.1993.
2. From the APHC, Hyderabad orders dt. 25.7.2005 in W.P. No. 18296 of 1993 filed by Smt. P.Ammaji.
3. Appeal petition filed by Smt. P.Ammaji W/o P.Ramachandra Rao R/o Asmanghat, Malakpet, Hyderabad District through her advocate dt. 06.09.2005.
4. Govt.Memo.No.7897/CV2/2005, SW(CV2) Dept, dt.19.09.05 and reminders thereon.
5. The District Collector, Khammam, No. Roc. D3-4664/2000, dated: 19.12.2005.
6. Govt. Memo No.7897/CV2/2005, SW(CV2) Dept, dt.01.08.2006, 16.07.2007, 01.08.2007, 07.11.2007, 19.03.2008, 22.07.2008..
7. Govt. Lr. No.7897/CV2/2005, SW(CV2) Dept, dt.08.12.2008.
8. Govt. Memo No.7897/CV2/2005, SW(CV2) Dept, dt. 31.03.2012.

ORDER:

In the reference 1st read above the District Collector, Khammam has issued orders canceling Scheduled Tribe certificate obtained from the then Tahsildar, Bhadrachalam by Smt. P.Ammaji W/o P.Ramachandra Rao R/o Asmanghat, Malakpet, Hyderabad District.

2. In the reference 2nd read above, Smt. P.Ammaji has filed W.P. No. 18296 of 1993 in A. P. High Court. The Hon'ble High Court of AP while disposing of the said WP has permitted the petitioner to avail the remedy of Appeal Petition provided under the AP (SCs, STs and BCs) Regulations of Issue of Community Certificate Act, 1993 and Rules 1997 before the Government within a period of Six weeks from the date of receipt of a copy of the order. On filing such Appeal, the Government shall entertain the same without reference to the limitation and consider it on merits as expeditiously as possible preferably within a period of four months from the date of filing of appeal by the petitioner.

3. In the reference 3rd read above, as per the orders dated 25.07.2005 of the Hon'ble High Court of Andhra Pradesh, Hyderabad in WP. No. 18206 of 1993, Smt. P.Ammaji has filed appeal petition before the Government against the orders of the District Collector, Khammam. After examination, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, Khammam in the reference 4th read above.

p.t.o.

4. In the reference 5th read above, the District Collector, Khammam has furnished the parawise remarks and connected records of Smt. P.Ammaji.

5. The said Appeal Petition has been posted for hearing on 05.08.2006, 23.07.2007, 16.08.2007, 20.11.2007, 27.03.2008, 04.08.2008, 17.12.2008, finally on 10.04.2012 the same has been informed to the appellant and requested to attend the above hearings with all documentary evidences/ certificates in favour of her community claim, in the references 6th, 7th, and 8th read above, the appellant has attended for the said hearings and explained her community status before the appellate authority.

6. Government has examined the records and proceedings of the District Collector, Khammam dated. 11.11.1993, grounds and written arguments submitted by the Appellant and having considered the arguments of either side and documentary evidences, as per the Proceedings of the Joint Collector, Khammam, Rc.No. B8/22250/89, dated 11.11.1993, it has been alleged that the Appellant has secured employment as L.D.C., in F.C.I, during the year 1968 by producing the false ST Certificate. That the enquiry has been caused basing on the complaint made by some ST Association/FCI authorities and basing on the enquiry report of the Director of Tribal Welfare vide Lr. No. 4200/2/TRI-VO-6 dt. 19.1.1988 and RDO, Bhadrachalam vide Lr.No. A/3029/91 dt. 15.04.1992, the ST Caste Certificate (Konda Kapu) issued by the Tahsildar, Bhadrachalam, vide D.Dis. No. 829/74 dt. 06.04.1974 has been cancelled mainly on the ground that her mother belongs to 'Telaga' Caste and the Sisters of the Appellant got married with Toorupu Kapu and Naidu Caste and she herself got married with Sri Puppala Ramachandra Rao of West Godavari District who belong to 'Telaga' Caste and that their marriage was performed as per the traditions of her husband, as mentioned therein.

7. In her Appeal Petition, among other things, Smt. P.Ammaji has stated that she belong to Konda Kapu Caste, which comes under ST Community and her father Sri Pasupuleti Krishna Murty and fore-fathers hail from Gouridevipet Village of Khammam District and migrated to Eluru of West Godavari District for livelihood and subsequently settled there. Also that she has studied upto SSLC at MSR Zilla Parishad High School and persued Polytechnic Course at Kakinada and all of her School Records reveals that she belong to Konda Kapu.

8. As a source of ground to her claim, she has stated that, as desired by her, the RDO., Bhadrachalam has conducted fresh enquiry on 31.3.1992, wherein, certain elderly Village persons and Munisef have given statement that her father is Konda Kapu and resided at Gouridevipet Village, later migrated to Eluru for livelihood and the same point has not been taken into consideration by the officials concerned, while canceling her Caste Certificate. It is also observed that as per the recorded evidence it is revealed that she joined in the job during 1968 and no where in the appointment orders of the FCI it is mentioned that her appointment is under ST Quota, moreover, she has obtained the ST Certificate during 1974, whereas her appointment is during 1968, this reveals that the allegation that she got appointment under ST Quota by producing false/fabricated ST Certificate does not arise.

9. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Smt. P.Ammaji W/o P.Ramachandra Rao R/o Asmanghat, Malakpet, Hyderabad District and the Proceedings of the Joint Collector, Khammam issued in No Rc. B8/22250/89,

dt. 11.11.1993 is hereby set aside, by upholding the ST Kondakapu community certificate D.Dis. No. 829/74, dated 06.04.1974 obtained from the Tahsildar, Bhadrachalam by Smt. P.Ammaji W/o P.Ramachandra Rao R/o Asmanghat, Malakpet, Hyderabad District.

10. The District Collector, Khammam shall take necessary action in the matter.

11. The records (containing No. Rc. D3-4664/2000, pages 01 to 490) received from District Collector, Khammam District, through 5th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)**

To

The District Collector, Khammam (By RPAD) (with original records).

Smt. P.Ammaji W/o P.Ramachandra Rao
R/o Asmanghat, Malakpet, Hyderabad District.

Sri D.V.Nagarjuna Babu, Advocate,
Off: 69/3 Rt. Vijayanagar Colony, Hyderabad.

The Deputy General Manager (AP)., Regional Office, 3rd Floor, Haca Bhavan, Public Garden Road, Hyderabad-4.

Copy to:

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.
P.S. to M (TW)
P.S. to Principal Secretary (TW)
SF/SC.

// Forwarded :: By Order //

SECTION OFFICER.